



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Cynthia Narvaez,
Judiciary Clerk 2, Bilingual
Spanish/English (S0390A), Statewide

CSC Docket Nos. 2022-2068 and
2022-2827

List Removal Appeal

ISSUED: October 12, 2022 (SLD)

Cynthia Narvaez appeals the removal of her name from the eligible list for Judiciary Clerk 2, Bilingual in Spanish/English (S0390A), Vicinage 5-Essex County and Vicinage 1-Atlantic, Cape May Counties on the basis that she failed to appear for the interview and that she failed to respond to the certification notice, respectively. Since these appeals concern the same eligible list, these matters have been consolidated herein.

The appellant, a non-veteran, took and passed the open competitive examination for Judiciary Clerk 2, Bilingual in Spanish/English (S0390A), which had a closing date of April 22, 2019. The resulting eligible list promulgated on October 10, 2019 and expired on October 9, 2022.

Thereafter, the appellant's name was certified on January 10, 2020 (OS200035), to Vicinage 5-Essex County. The appointing authority returned the certification indicating that the appellant had failed to appear for an interview. Notices were sent to the eligibles on June 11, 2020, notifying the candidates of their removal from the subject eligible list.

The appellant's name was also certified on January 15, 2020 (OS200044), to Vicinage 1-Atlantic, Cape May Counties. The appointing authority returned to certification indicating that the appellant had failed to respond to the certification

notice. Notices were sent to the eligibles on July 8, 2020, notifying the candidates of their removal from the subject eligible list.

On appeal, the appellant explains that, with regard to the OS200035 certification, she spoke with someone at the “Essex County Agency” regarding the interview. However, she claims that the person advised her that since she was not an Essex County resident, and had no plans to move into the county, she could not interview. In support, she submits a notarized statement explaining the foregoing. Additionally, the appellant maintains that she was unaware of the removal of her name until February 2022.

With regard to the OS200044 certification, the appellant maintains that she did respond to the certification notice and indicated that she would not be interviewing for the position. In support, she submits a notarized statement.

The appointing authorities, despite being provided the opportunity, did not present any arguments or documentation for the Civil Service Commission’s review.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)6 provides that an eligible’s name may be removed from a list for “non-compliance with the instructions listed on the notice of certification.” *N.J.A.C. 4A:4-6.3(b)*, in conjunction with *N.J.A.C. 4A:4-4.7(d)*, provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority’s decision to remove her name from an eligible list was in error.

With regard to the OS200035 certification for Vicinage 5-Essex, the appellant contends that during the telephone conversation with an employee of that Vicinage regarding the interview, the appellant was told that since she was not a resident of Essex County, she was not eligible for the position. However, the only residency requirement noted on the announcement was that applicants needed to be a resident of New Jersey. Moreover, as the appellant explained that she was told by an employee of the Vicinage that she was not eligible due to where she lived, the appellant not appearing for the interview is understandable. Thus, it is appropriate to restore her name to the eligible list and revive the list so that her name may be certified to Vicinage 5-Essex County at the time of the next certification for prospective employment opportunities only.

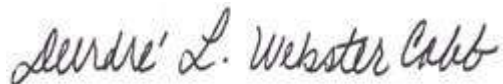
However, with regard to OS200044 certification for Vicinage 1-Atlantic, Cape May Counties, the appellant maintains that she did respond to that certification but was not interested in an interview for that location. As she initially indicated that she was not interested in interviewing with Vicinage 1, there is no basis to restore her to the list for that Vicinage.

ORDER

Therefore, it is ordered that this appeal be granted in part and the eligible list for Judiciary Clerk 2, Bilingual Spanish/English (S0390A), Vicinage 5-Essex County be revived in order for the appellant to be considered for appointment at the time of the next certification to Vicinage 5-Essex County for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12TH DAY OF OCTOBER, 2022



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Cynthia Narvaez
Sheila Venable
Julio L. Mendez
Division of Agency Services